Regd. No. M.—1175

282

The Mysore Gazette

Vol. 71.] PUBLISHED BY AUTHORITY. [No. 42.

BANGALORE, THURSDAY, OCTOBER 15, 1936.

PART IV.

Legislative measures and Rules thereunder.

NOTIFICATIONS.

No. D. 2608—*C. S.* 56-35-9, *dated Bangalore, the* 8—9*th October* 1936.

The Government of His Highness the Maharaja of Mysore are pleased to make the following rules under Section 66 (4) of the Mysore Co-operative Societies Regulation VII of 1918 as amended from time to time for the distraint, preservation and sale of standing crops on property mortgaged to co-operative societies:—

1. On receipt of an application from the Committee of a Bank under Section 66 of the Mysore Co-operative Societies Regulation for the recovery of any instalment or part thereof under a mortgage executed in favour of the Bank by distraint and sale of the produce of the mortgaged land including the standing crops thereon, the Registrar may, after satisfying himself that the instalment or any part of such instalment has remained unpaid for more than one month from the date on which it fell due and that the application has been made within twelve months from the date on which the instalment fell due, pass an order for the distraint of a sufficient part of the produce of the mortgaged land including the standing crops thereon.

2. On passing such an order, the Registrar shall send a requisition to the Deputy Commissioner of the

District in which such land is situate to effect the distraint together with a copy of his order.

3. On receipt of such a requisition from the Registrar, it shall be lawful for the Deputy Commissioner—

(*a*) to require that the crop growing on the mortgaged land shall not be reaped until a notice in writing has first been given to himself or to some other officer to be named by him in this behalf and such notice has been returned endorsed with an acknowledgment of its receipt;

(*b*) to direct that no such crop shall be removed from the land on which it has been reaped or from any place in which it may have been deposited without the written permission of himself or of some other officer as aforesaid;

(*c*) to arrange for the crop being reaped and deposited when it is not done in time by any holder of the land and delay is likely to result in damage to the produce and to realise the cost of labour thereby incurred from the sale proceeds of the crop;

(*d*) to cause watchmen to be placed over any such crop to prevent the unlawful reaping or removal of the same and to realise the amount required for the remuneration of the said watchmen.

4. The Deputy Commissioner's orders under either clause (*a*) or (*b*) of the above rule shall be made known by service of a notice thereof on the holder or holders of the mortgaged land, by public proclamation, by beat of drum in the village and by affixing a copy of the order in the Chavadi or some other public building in the village in which the mortgaged land is situate.

5. Any person who shall disobey any such order after the same has been so proclaimed or a notice thereof has been served upon him or who shall within the meaning of the Indian Penal Code abet the disobedience of any such order shall, on conviction after summary enquiry by the Deputy Commissioner, be liable to pay a fine not exceeding double the amount for which it had been attached.

6. If, within two months after the crop has been deposited, the amount due together with costs has not been paid, the Deputy Commissioner shall proceed to realise it by sale of such portion of the crop as is necessary, provided that the limit of two months shall not apply to articles of a perishable nature, which shall be sold immediately.

7. When the sale of the distrained produce is ordered, the Deputy Commissioner shall issue a proclamation in Kannada of the intended sale, specifying the amount due, the time and place of sale and whether the sale is subject to confirmation or not. Such proclamation shall be made by beat of *tom tom* in the village in which the property is seized.

8. A written notice of the intended sale shall be affixed in the Amildar's or the Deputy Amildar's Office and in the Chavadi or other public building in the village in which the produce was seized.

9. Sales shall be made by auction by such persons as the Deputy Commissioner may direct. No such sale shall take place on a General Holiday recognised by Government or until the expiration of at least seven days from the latest date on which the notice shall have been affixed as required by the last preceding rule.

The sale may, from time to time, be postponed for any sufficient reason.

10. Nothing in the last three rules applies to the sale of perishable articles.

11. If the defaulter or any person on his behalf pays the instalment due together with such other charges legally due by him before the property is knocked down, to the officer appointed to conduct the sale or if he furnished adequate security, the sale shall be stayed.

12. Sale of perishable articles shall be finally concluded by the officer conducting such sales. All other sales finally concluded by the officer conducting the sales shall be subject to confirmation of such officer, as may be directed in orders to be made by the Deputy Commissioner.

13. When the sale of any moveable property is finally concluded by the officer conducting the same, the price of every lot shall be paid for at the time of sale or as soon after as the said officer shall direct and in default of such payment the property shall forthwith be again put up and sold. On payment of the purchase money, the officer holding the sale shall grant a receipt for the same and the sale shall become absolute as against all persons whomsoever.

14. When the sale of any moveable property is subject to confirmation, the party who is declared to be the purchaser shall be required to deposit immediately 25 per cent on the amount of his bid and in default of such deposit, the property shall forthwith be again put up and

sold. The full amount of the purchase money shall be paid by the purchaser before sunset of the day after he is informed of the sale having been confirmed or if the said day be an authorised holiday, then before sunset of the first office day after such day. On payment of such full amount of the purchase money, the purchaser shall be granted a receipt for the same and the sale shall become absolute against all persons whatsoever.

15. In default of payment within the prescribed period of the full amount of purchase money, the deposit after defraying thereout the expenses of the sale shall, at the discretion of the Deputy Commissioner, be liable to be forfeited to Government either wholly or in part and the property shall be resold and the defaulting purchaser shall forfeit all claim to the property or to any part of the sum for which it may be subsequently sold.

16. If the proceeds of the resale which is held by reason of the purchaser's default be less than the price bid by such defaulting purchaser, the difference shall be recoverable from him by the Deputy Commissioner as an arrear of land revenue.

17. Every resale of property in default of payment of the purchase money or after the postponement of the first sale, shall, except when such resale takes place forthwith, be made after the issue of a fresh notice in the manner prescribed for original sales.

18. Where the sale of any property is not confirmed or is set aside, the purchaser shall be entitled to receive back his deposit or his purchase money as the case may be.

19. When any sale becomes absolute, the proceeds shall be credited to the Taluk Treasury to the account of the creditor Bank and the fact intimated to it or the amount due shall be remitted by a Remittance Transfer Receipt after defraying the expenses of watch and sale.

20. If any claim be set up by a third person to moveable property attached under these provisions, the Deputy Commissioner shall admit or reject his claim on a summary inquiry held after reasonable notice. If the claim be admitted wholly or partly, the property shall be dealt with accordingly. Except in so far as it is admitted, the property shall be sold and the title of the purchaser shall be good for all purposes, and the proceeds disposable as aforesaid.